

Dear Mayor and Council Members,

On behalf of City Manager Ed Shikada, please see staff responses below for the [Monday, February 5 Council Meeting](#).

**Item 7: SECOND READING: Adopt Ordinances Amending Planned Community Ordinance 2343 for 2901-2905 Middlefield Road and Establishing a Separate Planned Community Zoning Designation for 702 Ellsworth Place to Enable the Development of a new Single-Story, Single-Family Residence. CEQA Status -- Categorically Exempt Under CEQA Guidelines Sections 15061(b)(3), 15301, and 15303 (FIRST READING: December 11, 2023, PASSED 6-0-1, Veenker absent)**

Mayor Stone and Vice Mayor Lauing submitted the following points provided by a community member and requested staff to review and respond.

- 1. Staff removed from the approved ordinance of December 11, 2023, the following underlined phrase, as written in Attachment B, Section 5 (a) (v), “The sight triangle at the southeast corner of the intersection of Ellsworth Place and Middlefield Road shall extend to the southernmost corner of the property along Middlefield Road...” This underlined phrase was included as a safety measure for how Ellsworth Place intersects with Middlefield Road and the ability of drivers and pedestrians alike to be visible to one another. It was not removed by the Council motion of December 11, 2023, and therefore needs to remain in the ordinance with the Attachment B, Exhibit 1 map corrected accordingly.**

**Staff response:** Staff thoroughly reviewed the meeting video and worked with the applicants to revise the ordinances and drawings to reflect the Council’s motion. Our responses to her comments are below, along with references to the relevant times these issues are discussed in the YouTube video of the Council meeting.

Regarding the revisions to the sight triangle/driveway regulations (Section 4(g)(v) of the 702 Ellsworth Place PC ordinance) the Council considered and did not accept the greater driveway setback requirements. The Council's comments on the motion reflect an intent to accept a "hybrid" of two proposals presented by the applicant to the Council on December 11, 2023, which depicted a standard 35-foot sight triangle and a 3-foot-tall fence, as shown in Exhibit 1 to the 702 Ellsworth Place PC ordinance. See:

- Presentation by applicant 1:04:19-1:07:45
- Public comment 1:19:50-1:22:00
- Council Discussion 2:19:20-2:26:35
- Motion by Kou on driveway setbacks (also referral back to PTC) failed for lack of 2nd 2:40:30-2:43:40
- Motion by Burt 2:46:50-2:49:20

2. **Even though Pat Burt in making the final motion specifically pointed out that the proposed wrought iron fence with 4" spaced bars wouldn't achieve the goal of a transparent fence, this very wrought iron fence design remains in the ordinance, as explained on page 3 of the staff report. That wrought iron fence design is even mandated in the map (which was prepared by the applicant) attached as EXHIBIT 1 to the ordinance for 702 Ellsworth. We suggest having the EXHIBIT 1 map say "Fence meeting transparency requirements", to have it match the motion.**

**Staff response:** Regarding the fence design, the Council's motion and comments on the motion do not prescribe a specific design but rather a performance standard, i.e., that the fence provide adequate visibility between the Ellsworth Place driveway and the sidewalk along Middlefield Road. See:

- Motion by Burt 2:47:30-2:49:20

3. **A requirement was left in, recorded in Attachment A, Section 5 (b) (iii) and at Attachment B, Section 5 (a) (v), that a new sign be posted banning delivery trucks longer than 24' from Ellsworth. That sign requirement was added when staff proposed the delivery space be on Sutter, which the Council motion then overruled. Since one of the key objectives of the Council's action was to make it possible for delivery trucks to park on Ellsworth and not impact public parking on Sutter, there's no reason for the sign banning delivery trucks on Ellsworth. Furthermore, this sign directly impacts the value of homes on Ellsworth Place, as rightfully pointed out by Lydia Kou during the December 11, 2023 Council meeting. All homeowners and residents of Ellsworth, including the applicants, will benefit by removing this sign requirement. To be consistent with the council motion, the sign requirement should therefore be removed.**

**Staff response:** Regarding the sign prohibiting delivery trucks longer than 24 feet (Section 5(b)(iii) of the 2901-2905 Middlefield Road PC ordinance), neither the motion nor the Council discussion contains anything to suggest the Council intended to modify that provision. The Council's motion does accept the "UPS-approved delivery space" proposed during by the neighbor during public comment, the Council did not address that sign provision during the hearing. The applicant did not request any modifications to that provision. The public comment acknowledges that provision but does not request any modifications and further stated that UPS and other daily delivery trucks are 14 to 18 feet long and 10 feet wide. Staff recommends retaining the sign requirement because trucks greater than 24' long would have a difficult time performing turnaround maneuvers in the 26-foot-wide Ellsworth Place driveway. See:

- Public comment 1:15:00-1:15:50
- Public comment 1:16:45-1:19:50